

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MANUEL MATEO,

Plaintiff,

-against-

CITY OF NEW YORK, POLICE COMMISSIONER  
RAYMOND KELLY, DETECTIVE ALBERTO ARCE,  
LT. CHRISTOPHER BELMONTE, CAPTAIN WILLIAM  
MONTELONE, CESAR RIQUELME, AND FRANCISCO  
PAEZ,

Defendants.  
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**DECLARATION OF  
JANE E. ANDERSEN IN  
SUPPORT OF CITY  
DEFENDANTS' MOTION  
FOR SUMMARY  
JUDGMENT**

10 CV 3568 (CBA)(ALC)

**JANE E. ANDERSEN**, declares that the following is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for Defendants, City of New York, Raymond Kelly, Police Commissioner of the New York City Police Department ("NYPD"), Detective Alberto Arce, Lieutenant Christopher Belmonte, and Deputy Inspector William Montelone ("City Defendants").<sup>1</sup>

2. I submit this declaration in support of City defendants' motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure in order to place before the Court documents relied upon by City defendants in their Motion for Summary Judgment and in their accompanying Memorandum of Law.

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<sup>1</sup> Individually named defendant Francisco Paez has not appeared in this action.

3. Annexed hereto as Exhibits "A" through "V" is the Complaint, documents produced during discovery in this action including documents maintained by the NYPD in the ordinary course of business, deposition testimony taken in this action, and documents concerning plaintiff's Article 78 proceeding that were submitted or received by plaintiff or his counsel.


These documents are as follows:

- A. Annexed hereto as Exhibit "A," is a copy of the Complaint filed in this action on August 3, 2010.
- B. Annexed hereto as Exhibit "B," is the deposition transcript of the deposition of plaintiff, taken on July 13, 2011.
- C. Annexed hereto as Exhibit "C," is the deposition transcript of the deposition of Defendant Detective Alberto Arce, taken on September 19, 2011.
- D. Annexed hereto as Exhibit "D," is the deposition transcript of the deposition of Defendant Lieutenant Christopher Belmonte, taken on September 29, 2011.
- E. Annexed hereto as Exhibit "E," is the deposition transcript of the deposition of Defendant Deputy Inspector William Monteleone, taken on September 20, 2011.
- F. Annexed hereto as Exhibit "F" is an Internal Affairs Bureau Investigative Findings Report, dated June 5, 2008, bates stamped IAB000579-582.
- G. Annexed hereto as Exhibit "G" is an Internal Affairs Bureau Investigative Worksheet #3, dated February 17, 2007, bates stamped IAB000266.
- H. Annexed hereto as Exhibit "H" is an Internal Affairs Bureau Investigative Worksheet #6, dated February 17, 2007, bates stamped IAB000263.
- I. Annexed hereto as Exhibit "I" is an Internal Affairs Bureau Investigative Worksheet #81, dated August 14, 2007, bates stamped IAB000517-518.
- J. Annexed hereto as Exhibit "J" is an Internal Affairs Bureau Investigative Worksheet #27, dated March 2, 2007, bates stamped IAB000242.
- K. Annexed hereto as Exhibit "K" are the Charges and Specifications, dated March 28, 2008, preferred against plaintiff, bates stamped IAB000587-IAB000588,

- L. Annexed hereto as Exhibit "L" are the Amended Charges and Specifications, dated February 13, 2009, preferred against plaintiff.
- M. Annexed hereto as Exhibit "M" is the Decision and Recommendation of the Honorable John Grappone, Deputy Commissioner of Trials, bates stamped IAB000707-731.
- N. Annexed hereto as Exhibit "N" is an Internal Affairs Bureau Investigative Report, dated March 2, 2009, bates stamped IAB000880.
- O. Annexed hereto as Exhibit "O" is an Investigating Officer's Report, dated September 10, 2009.
- P. Annexed hereto as Exhibit "P" is an Investigating Officer's Report, dated September 11, 2009.
- Q. Annexed hereto as Exhibit "Q" is an Investigating Officer's Report, dated October 18, 2009, bates stamped IAB000886.
- R. Annexed hereto as Exhibit "R" is the Disposition of Charges, approved by Police Commissioner Raymond W. Kelly on October 27, 2009.
- S. Annexed hereto as Exhibit "S" is the Notice of Petition, dated February 16, 2010, filed in the Supreme Court of the State of New York, County of New York, under Index No. 102111/2010.
- T. Annexed hereto as Exhibit "T" is a copy of an order, dated August 5, 2011, in connection with a petition filed in the Supreme Court of the State of New York, County of New York, under Index No. 102111/2010.
- U. Annexed hereto as Exhibit "U" is the deposition transcript and corrections, from the deposition taken of co-defendant Cesar Riquelme on September 19, 2011 and September 29, 2011.
- V. Annexed hereto as Exhibit "V" is a letter dated October 17, 2011, from the Office of the Corporation Counsel for the City of New York to New York Supreme Court, Appellate Division, First Judicial Department.

Dated: New York, New York  
March 2, 2012

By:

  
Jane E. Andersen  
Assistant Corporation Counsel  
janderse@law.nyc.gov